

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**DEFENDANT GEORGE SCHUSSEL'S MOTION FOR LEAVE TO REPLY TO
GOVERNMENT'S OPPOSITION TO HIS MOTION FOR JUDGMENT OF
ACQUITTAL OR, IN THE ALTERNATIVE, A NEW TRIAL**

Now comes the defendant George Schussel in the above-captioned case and respectfully moves that this Honorable Court permit him to file a Reply to the Government's Opposition to His Motion for Judgment of Acquittal Or, in the Alternative, a New Trial, which Reply is submitted contemporaneously with this motion.

As reason therefore, defendant states:

1. His Motion for Judgment of Acquittal Or, in the Alternative, a New Trial raises numerous critically important issues regarding the Court’s instructions to the jury and the sufficiency of the evidence to support Schussel’s convictions.
2. The government’s opposition to his Motion for Judgment of Acquittal Or, in the Alternative, a New Trial responds both to issues raised in that motion and also to issues raised in Schussel’s previously-filed Motion for Judgment of Acquittal and Incorporated Memorandum of Law. That Opposition presents arguments to which Schussel believes that a reply is necessary to focus the Court on the legal and factual deficiencies of the government’s opposition and to enable the Court to fully and fairly consider and determine the many substantial issues raised by Schussel.
3. In drafting the Reply submitted with this motion, which is 13 pages in length, Schussel

has endeavored to be as concise as possible and not to repeat arguments made in the earlier motions to which the government's opposition is directed.

4. Counsel has conferred with AUSA Carmen Ortiz, and she takes no position with respect to this motion.

Respectfully submitted,
By his attorneys,

/s/ Francis J. DiMento

Francis J. DiMento.
DiMento & Sullivan
7 Faneuil Hall Marketplace
Boston, Massachusetts 02109
(617) 523-2345

/s/ Martin G. Weinberg

Martin G. Weinberg
Mass. Bar. No. 519480
20 Park Plaza, Suite 905
Boston, Massachusetts 02116
(617) 227-3700

CERTIFICATE OF SERVICE

I, Martin G. Weinberg, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on March 14, 2007.

/s/ Martin G. Weinberg